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SUBJECT: VIETNAM: PSI ENDORSEMENT UNLIKELY SOON

REF: A. 05 Hanoi 2478; B. State 50811

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11. (SBU) Summary: Heavy Embassy pressure on the GVN has forced the issue of the Proliferation Security Initiative (PSI) all the way to the Prime Minister's office, where we are told the decision has been made to authorize Vietnam's participation in PSI-related activities on a case-by-case basis, but not to endorse the Statement of Interdiction Principles (SOP) at this time. Most of the GVN's technical concerns about PSI have been resolved. The remaining hurdle to endorsement of the SOP is political, and it is too high to surmount at this time. We may, however, be able to convince the GVN to send a relatively low-level participant to the May 31 meeting in Poland. End Summary.

Embassy Actions in Support of PSI

12. (SBU) In September 2005, the Ambassador delivered a joint demarche on PSI with the Ambassadors and Charges from New Zealand, Japan, Australia, the United Kingdom and Canada (Ref. A) to Vice Foreign Minister Le Van Bang. In January 2006, he and Australian Ambassador Bill Tweddell again demarched the Ministry of Foreign Affairs, and in March 2006 the Ambassador delivered a letter to the MFA along with a Vietnamese translation of a paper on PSI and the International Law of the Sea (given by Ashley Roach from the Office of the Legal Advisor at the March 9-12 2005 conference on the Law of the Sea in Xiamen, China) to respond to some of the MFA's earlier objections.

13. (SBU) In December 2005, the MFA informed the Embassy that the issue of signing on to the SOP had been tasked out by the Prime Minister to "relevant agencies" for comment. Armed with that information, Embassy officers provided separate detailed PSI briefings to deputy director-level GVN officials from the Ministries of Trade, Foreign Affairs, Defense and Public Security, as well as the General Department of Customs, the Communist Party's External Relations Commission and the Office of the Government. Consideration of PSI in the GVN was suspended, along with all other work in Vietnam, for much of the end of January and most of February for Lunar New Year celebrations and activities. In March, working-level MFA officials told Poloff that the Prime Minister would authorize participation in PSI-related activities on a "case by case basis," but that endorsement of the SOP is still under review.

MFA Official Delivers Bad News

14. (SBU) On March 31, Poloff delivered Ref B demarche to

the MFA's Deputy Director General for International Organizations Le Hoai Trung. Trung said that in addition to the information in the demarche, he had also received the legal paper the Ambassador sent to the MFA regarding PSI and the Law of the Sea. The information, Trung said, will be "useful" in the MFA's discussions with other agencies.

15. (SBU) "On a purely legal basis," Trung said, "Vietnam is beginning to accept that PSI is reasonable." The MFA has advocated endorsing the SOP because the non-binding nature of the endorsement and the caveat that endorsement is bound by national and international law provide the necessary safety valves Vietnam needs. However, other agencies (he did not specify, but we believe the problem is with the Ministry of Defense and possibly the Ministry of Public Security) are concerned about specific issues of implementation, such as the difficulty of stopping a plane nonviolently and the technicalities of using force without UN sanction or a clear self-defense justification. Vietnam is aware that the PSI is "consistent" with UNSC Resolution 1540, Trung said, but 1540 does not authorize it. UN Secretary General Annan's statements in favor are positive,

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but not binding. "Annan says lots of things the United States disagrees with, or ignores. What makes this one different?" he asked.

16. (SBU) When Poloff started to answer that Annan's endorsement should ease Vietnam's concerns about PSI's consistency with UN resolutions, Trung cut him off. "The real problem here is political," he admitted. Vietnam's laws criminalize proliferation and its foreign policy is explicitly against it, he noted. Legal issues can be addressed, but the determination of the Prime Minister is that endorsing PSI will make Vietnam a part of a group of nations that seems to be working outside of existing multilateral channels and institutions to characterize "other nations" as proliferators. That said, Vietnam wants

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to signal its strong support for nonproliferation by strengthening its compliance with international nonproliferation norms and participating in "appropriate" PSI activities "on a case-by-case basis." However, "PSI is a group we are not ready to be a part of right now."

17. (SBU) Trung warned that it will not be useful to approach the leadership on the issue of the Statement of Interdiction Principles again any time soon, and definitely not before the 10th National Communist Party Congress scheduled for April 18-25. The MFA attempted to submit a paper on Vietnam's opposition to the proliferation of weapons of mass destruction to the Party leadership for inclusion in the Party Congress' foreign policy document (a guidance paper that gives overall direction to Vietnam's foreign policy for the next five years), but it was returned with curt instructions to "pursue further research with all relevant agencies," Trung said. "That was the Party's way of saying 'not this, not now,'" he explained.

18. (SBU) Vietnam, especially the MFA, is very open-minded about PSI and "is not ruling it out forever." In fact, Vietnam has been one of the countries in the region that has actively supported PSI's consideration, and has found itself "far out in front" of other ASEANs on the subject.

19. (SBU) When pressed on the subject of Vietnam's participation in the May 31 conference in Poland, Trung said that it is possible that Vietnam might be able to consider using the "case by case basis" authorization of the Prime Minister, but participation would be at "a relatively low level" and cannot be considered before the end of the Party Congress. Trung promised to review the issue with us again at the end of April, after the Congress finishes.

Comment

¶10. (SBU) Vietnam does not now have the consensus among its agencies and leaders that it needs to endorse the SOP. In advance of the Party Congress, no one is going to take risks, and advocating PSI is a risk at this point. We expect the Party Congress to provide a mostly new leadership slate, including a new PM and new Ministers of Foreign Affairs and possibly Defense, and we will raise PSI with them as soon as we can. Attendance in Poland, though, remains a very long shot.

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